

AMENDED IN SENATE FEBRUARY 24, 2010

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1502**

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**Introduced by Assembly Member Eng**

February 27, 2009

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~~An act to amend Sections 12814.6 and 17703 of the Vehicle Code, relating to driver's licenses. An act to amend Section 731 of the Code of Civil Procedure, to amend Section 11571 of the Health and Safety Code, and to amend Section 11226 of the Penal Code, relating to nuisance.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 1502, as amended, Eng. ~~Driver's licenses: instruction permit: provisional license.~~ *Nuisance abatement: civil action.*

*Existing law authorizes the district attorney or city attorney to bring a civil action to abate a public nuisance, as defined.*

*Existing law provides that every building or place used for the purpose of specified unlawful transactions involving controlled substances is a nuisance, which may be abated in a civil action brought by the district attorney or city attorney.*

*Existing law provides that every building or place used for the purpose of illegal gambling, lewdness, assignation, prostitution, or counterfeiting is a nuisance, which may be abated in a civil action brought by the district attorney or city attorney.*

*This bill would authorize the county counsel to bring a civil action to abate a public nuisance, a controlled substances nuisance, or a*

*gambling or prostitution nuisance, pursuant to each of the above provisions.*

~~The Brady-Jared Teen Driver Safety Act of 1997 requires the Department of Motor Vehicles, upon application for an original license, to issue an instruction permit to a person at least 16 years of age, but under 18 years of age, pursuant to the provisional licensing program. Under the act, the holder of an instruction permit is required to meet specified requirements and may operate a motor vehicle, other than a motorcycle or motorized bicycle, only when he or she is taking a specified driver training instruction or is practicing that instruction accompanied by, and is under the immediate supervision of, a California licensed driver 25 years of age or older. Existing law also imposes specified conditions upon the holder of a provisional license with regard to driving between the hours of 11 p.m. and 5 a.m. or transporting passengers under 20 years of age.~~

~~Existing law also requires that if the person or persons required to sign and verify the application of a minor are not residents of this state, the application be verified by a person residing within this state who has custody of the minor, or the department may accept an application signed and verified by the minor and accompanied by proof of financial responsibility.~~

~~This bill would authorize a driver who is licensed under the laws of any state and is the parent or guardian of the minor and a member of the Armed Forces of the United States on active duty, stationed in California, or his or her spouse, to accompany and supervise the holder of an instruction permit, to accompany a holder of a provisional license, and to sign and verify the minor's application for a license or an instruction permit.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *Section 731 of the Code of Civil Procedure is*
- 2     *amended to read:*
- 3     731. An action may be brought by any person whose property
- 4     is injuriously affected, or whose personal enjoyment is lessened
- 5     by a nuisance, ~~as the same is defined in section thirty-four hundred~~
- 6     ~~and seventy-nine defined in Section 3479 of the Civil Code, and~~
- 7     by the judgment in ~~such~~ *that* action the nuisance may be enjoined

1 or abated as well as damages recovered therefor. A civil action  
 2 may be brought in the name of the people of the State of California  
 3 to abate a public nuisance, as ~~the same is defined in section~~  
 4 ~~thirty-four hundred and eighty defined in Section 3480~~ of the Civil  
 5 Code, by the district attorney *or county counsel* of any county in  
 6 which ~~such~~ the nuisance exists, or by the city attorney of any town  
 7 or city in which ~~such~~ the nuisance exists, ~~and each of said. Each~~  
 8 ~~of those~~ officers shall have concurrent right to bring ~~such an~~ action  
 9 for a public nuisance existing within a town or city, ~~and such. The~~  
 10 district attorney, *county counsel*, or city attorney; of any county  
 11 or city in which ~~such~~ the nuisance exists ~~must shall~~ bring ~~such an~~  
 12 action whenever directed by the board of supervisors of ~~such the~~  
 13 county, or whenever directed by the legislative authority of ~~such~~  
 14 the town or city.

15 *SEC. 2. Section 11571 of the Health and Safety Code is*  
 16 *amended to read:*

17 11571. ~~Whenever~~ If there is reason to believe that a nuisance,  
 18 as described in Section 11570, is kept, maintained, or exists in any  
 19 county, the district attorney *or county counsel* of the county, or  
 20 the city attorney of any incorporated city or of any city and county,  
 21 in the name of the people, may, or any citizen of the state resident  
 22 in the county, in his or her own name, may, maintain an action to  
 23 abate and prevent the nuisance and ~~to~~ perpetually ~~to~~ enjoin the  
 24 person conducting or maintaining it, and the owner, lessee, or agent  
 25 of the building or place in or upon which the nuisance exists from  
 26 directly or indirectly maintaining or permitting the nuisance.

27 *SEC. 3. Section 11226 of the Penal Code is amended to read:*

28 11226. ~~Whenever~~ If there is reason to believe that a nuisance,  
 29 as defined in this article or as set forth in Section 17800 of the  
 30 Business and Professions Code, is kept, maintained, or is in  
 31 existence in any county, the district attorney *or county counsel*, in  
 32 the name of the people of the State of California, or the city  
 33 attorney of an incorporated city or any city and county may, or  
 34 any citizen of the state resident within the county in his or her own  
 35 name may, maintain an action in equity to abate and prevent the  
 36 nuisance and to perpetually enjoin the person conducting or  
 37 maintaining it, and the owner, lessee, or agent of the building or  
 38 place, in or upon which the nuisance exists, from directly or  
 39 indirectly maintaining or permitting it.

1 The complaint in the action shall be verified unless filed by the  
2 district attorney, *county counsel*, or the city attorney.

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Assembly, January 4, 2010. (JR11)**

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